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HOUSE BILL 771

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Al Park

AN ACT

RELATING TO DISTRICT ATTORNEYS; CLARIFYING THAT A DISTRICT ATTORNEY FOR A CLASS A COUNTY CONTAINING A METROPOLITAN COURT MAY ENFORCE MUNICIPAL ORDINANCES IN THE DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 36-1-18 NMSA 1978 (being Laws 1909, Chapter 22, Section 2, as amended) is amended to read:

"36-1-18. DUTIES OF DISTRICT ATTORNEY. --

A. Each district attorney shall:

(1) prosecute and defend for the state in all courts of record of the counties of ~~his~~ the district all cases, criminal and civil, in which the state or any county in ~~his~~ the district may be a party or may be interested;

(2) represent the county before the board of county commissioners of any county in ~~his~~ the district in all

underscored material = new
[bracketed material] = delete

underscored material = new
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1 matters before the board whenever requested to do so by the
2 board, and he may appear before the board when sitting as a
3 board of equalization without request;

4 (3) advise all county and state officers
5 whenever requested; and

6 (4) represent any county in [~~his~~] the district
7 in all civil cases in which the county may be concerned in the
8 supreme court or court of appeals, but not in suits brought in
9 the name of the state.

10 B. A district attorney may contract with an Indian
11 nation, tribe or pueblo within the boundaries of the district
12 attorney's judicial district for the purpose of authorizing the
13 district attorney or his staff to:

14 (1) serve as a tribal prosecutor; or

15 (2) prosecute alleged violations of tribal
16 codes by tribal members in tribal courts.

17 C. A district attorney in a class A county
18 containing a metropolitan court may prosecute and defend
19 municipal ordinances of any municipality in the district in any
20 court in the district."